

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

Index No.: _____/19

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JOHN DOE,Plaintiffs designate
QUEENS COUNTY
as place of trial.*Plaintiff,**-against -*The basis of venue is
plaintiff's residence is in
Queens County.DIOCESE OF BROOKLYN and ST. KEVIN'S
CHURCH,SUMMONS*Defendants.*
-----X

To the above-named defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT, QUEENS COUNTY ON _____ IN COMPLIANCE WITH CPLR §§305(a) AND 306(a).

Dated: New York, New York
August 29, 2019

MERSON LAW, PLLC

By: Jordan K. Merson
Attorneys for Plaintiff
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

TO:

DIOCESE OF BROOKLYN

310 Prospect Park West,
Brooklyn, New York 11215

ST. KEVIN'S CHURCH

45-21 194th St
Flushing, NY 11358

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

Index No.: _____/19

-----X
JOHN DOE,*Plaintiff,**-against -***VERIFIED
COMPLAINT**DIOCESE OF BROOKLYN and ST. KEVIN'S
CHURCH,*Defendants.*

-----X

Plaintiff,¹ above named, complaining of the defendants, by **MERSON LAW,****PLLC.**, respectfully allege(s):**NATURE OF THE CLAIM**

1. This is a case of a sexual predator, Father Arthur Kolinsky ("Kolinsky"), being permitted to sexually abuse young children at church by the Diocese of Brooklyn ("Diocese").
2. Kolinsky was a missionary priest at St. Kevin's Church in Queens, New York which was part of the Diocese. Kolinsky was known among the community and the children as a sexual predator.
3. Despite Kolinsky's reputation as a sexual predator to young children, he continued to be a priest under the supervision and control of the Diocese of Brooklyn and St. Kevin's Church.
4. The Diocese knew or should have known Kolinsky sexually abused children and/or had the propensity to sexually abuse children.

¹ Plaintiff uses a pseudonym because he is a victim of a sex crime pursuant to N.Y. Civ. Rights § 50-b and other statutory and common law principles.

5. Beginning when Mr. Doe was approximately eight years old and continuing for approximately three or four years until Mr. Doe was approximately 12 years old, Kolinsky sexually abused Mr. Doe between forty and fifty times.
6. Father Kolinsky manipulated Mr. Doe's mother as the priest of their church into leaving Mr. Doe in his care for extended periods of time.
7. Mr. Doe's family trusted Father Kolinsky because he was a man of god, but Kolinsky betrayed that trust by molesting Mr. Doe between 40 and 50 times within the span of three or four years on Diocese premises.
8. When Father Kolinsky would get Mr. Doe alone, he would touch and fondle Mr. Doe's penis with one hand and masturbate with the other.
9. Mr. Doe spent years attempting to forget about the abuse he endured at the hands of his Kolinsky and was unable to confide in his family about the years of abuse he suffered.
10. Mr. Doe brings this lawsuit to recover for the emotional and physical suffering they incurred because of the negligence of the Diocese of Brooklyn and St. Kevin's Church and to make sure no other child is forced to suffer the abuse and physical and mental trauma he felt and continues to feel.

PARTIES

11. At all times herein mentioned defendant **DIOCESE OF BROOKLYN** was a not for profit corporation incorporated in the State of New York and by virtue of the laws of the State of New York.
12. At all times herein mentioned, defendant **DIOCESE OF BROOKLYN** was located at 310 Prospect Park West, Brooklyn, New York 11215.

13. At all times herein mentioned, Kolinsky was a priest operating under the direction and control of defendant **DIOCESE OF BROOKLYN**, and its agents, servants and/or employees.
14. At all times herein mentioned, Kolinsky was an agent, servant and/or employee of defendant **DIOCESE OF BROOKLYN**.
15. At all times herein mentioned defendant **ST. KEVIN'S CHURCH** was a not for profit corporation incorporated in the State of New York and by virtue of the laws of the State of New York.
16. At all times herein mentioned, defendant **ST. KEVIN'S CHURCH** was located at 45-21 194th Street, Flushing, NY 11358.
17. At all times herein mentioned, Kolinsky was a priest operating under the direction and control of defendant **ST. KEVIN'S CHURCH**, and its agents, servants and/or employees.
18. At all times herein mentioned, Kolinsky was an agent, servant and/or employee of defendant **ST. KEVIN'S CHURCH**.
19. At all times herein mentioned, Defendants **DIOCESE OF BROOKLYN** and the **ST. MARY'S CHURCH**, were agents, servants, employees and/or alter egos of each other.

FACTS OF THE CASE

20. Defendants **DIOCESE OF BROOKLYN's** and **ST. KEVIN'S CHURCH's** negligence and recklessness caused Father Kolinsky to have access to children, including on Diocese premises, despite its knowledge that Kolinsky sexually abused children and/or had the propensity to do so and therefore are responsible for the injuries that Plaintiff incurred because but for Defendants **DIOCESE OF BROOKLYN's** and **ST. KEVIN'S**

CHURCH's negligence, Plaintiff would not have suffered the mental and physical anguish inflicted by Father Kolinsky. Defendant **DIOCESE OF BROOKLYN's** and **ST. KEVIN'S CHURCH's** gross negligence, reckless, wanton, and/or willful conduct warrants punitive liability.

21. Kolinsky was the priest at St. Kevin's Church in Queens, New York.
22. Kolinsky befriended Mr. Doe family in order to gain their trust so that Mr. Doe would be left alone with him for extended periods of time. Kolinsky would offer to take Mr. Doe to various places for "fun time" such as the park to play baseball.
23. Kolinsky would even go to Mr. Doe home and sexually assault him when his mother was home.
24. Kolinsky would force Mr. Doe to sit on his lap and forcibly put his hands down Mr. Doe's pants.
25. Kolinsky would fondle Mr. Doe's penis with one hand and masturbate with the other hand.
26. Mr. Doe suffered the sexual abuse of Kolinsky between forty and fifty times over three or four years.
27. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendant **DIOCESE OF BROOKLYN's** and **ST. KEVIN'S CHURCH's** negligence in undertaking a duty to keep patrons, including young children, of its parishes safe from predators and failing to act in accord with that duty by allowing Father Kolinsky, a known predator, to continue his role and position of authority where he would continue to have the opportunity to prey on young children, and the Diocese failed to adequately supervise Kolinsky.

28. Additionally, because of the malicious, predatory and intentional acts of Kolinsky plaintiff suffered catastrophic and lifelong injuries.

AS FOR A FIRST CAUSE OF ACTION FOR NEGLIGENCE

AS TO DIOCESE OF BROOKLYN

29. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 28. inclusive, with the same force and effect as if hereinafter set forth at length.
30. At all times mentioned herein, defendant **DIOCESE OF BROOKLYN** owed a duty of care in loco parentis to keep the children of its parishes safe from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the Plaintiff, and they had a duty to supervise Kolinsky.
31. At all times mentioned herein, defendant **DIOCESE OF BROOKLYN** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
32. As a result of the negligence of defendant **DIOCESE OF BROOKLYN** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
33. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
34. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.

35. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
36. This action falls within exceptions to Article 16 of the C.P.L.R.

AS FOR A SECOND CAUSE OF ACTION FOR NEGLIGENCE

AS TO ST. KEVIN'S CHURCH

37. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 36. inclusive, with the same force and effect as if hereinafter set forth at length.
38. At all times mentioned herein, defendant **ST. KEVIN'S CHURCH** owed a duty of care in loco parentis to keep the children of its parishes safe from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the Plaintiff, and they had a duty to supervise Kolinsky.
39. At all times mentioned herein, defendant **ST. KEVIN'S CHURCH** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
40. As a result of the negligence of defendant **ST. KEVIN'S CHURCH** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
41. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
42. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.

43. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
44. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR A THIRD CAUSE OF ACTION FOR NEGLIGENT HIRING,
RETENTION AND SUPERVISION**

AS TO DIOCESE OF BROOKLYN

45. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 44., inclusive, with the same force and effect as if hereinafter set forth at length.
46. Defendant **DIOCESE OF BROOKLYN**, had a duty to supervise and prevent known risks of harm to children and students of its parishes by its clergymen.
47. Defendant was negligent in hiring, retaining and supervising their personnel, such as Father Kolinsky, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials who should have properly been supervising the priests to ensure the safety of the children of the parishes.
48. Defendant **DIOCESE OF BROOKLYN** knew or should have known Father Kolinsky sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.
49. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.

50. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
51. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
52. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
53. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR A FOURTH CAUSE OF ACTION FOR NEGLIGENT HIRING,
RETENTION AND SUPERVISION**

AS TO ST. KEVIN'S CHURCH

54. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 53., inclusive, with the same force and effect as if hereinafter set forth at length.
55. Defendant **ST. KEVIN'S CHURCH**, had a duty to supervise and prevent known risks of harm to children and students of its parishes by its clergymen.
56. Defendant was negligent in hiring, retaining and supervising their personnel, such as Father Kolinsky, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials who should have properly been supervising the priests to ensure the safety of the children of the parishes.
57. Defendant **ST. KEVIN'S CHURCH** knew or should have known Father Kolinsky sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.

58. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
59. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
60. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
61. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
62. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR THE FIFTH CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF
EMOTIONAL DISTRESS**

AS TO DIOCESE OF BROOKLYN

63. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 62., inclusive, with the same force and effect as if herein set forth at length.
64. Defendant **DIOCESE OF BROOKLYN** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Father Kolinsky, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
65. Defendant **DIOCESE OF BROOKLYN** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.

66. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Father Kolinsky.
67. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted Father Kolinsky sexually abusing Plaintiff.
68. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
69. This action falls within exceptions to Article 16 of the C.P.L.R.

**AND AS FOR THE SIXTH CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF
EMOTIONAL DISTRESS**

AS TO ST. KEVIN'S CHURCH

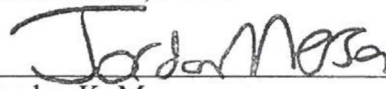
70. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 69., inclusive, with the same force and effect as if herein set forth at length.
71. Defendant **ST. KEVIN'S CHURCH** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Father Kolinsky, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
72. Defendant **ST. KEVIN'S CHURCH** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
73. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Father Kolinsky.

74. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted Father Kolinsky sexually abusing Plaintiff.
75. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
76. This action falls within exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiff demands judgement against defendant in such sum as a jury would find fair, adequate and just.

Dated: New York, New York
August 29, 2019

MERSON LAW, PLLC

By: 
Jordan K. Merson
Attorney for Plaintiff
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS**

Index No.: _____/19

-----X
JOHN DOE,

Plaintiff,

**ATTORNEY
VERIFICATION**

-against -

**DIOCESE OF BROOKLYN and ST. KEVIN'S
CHURCH,**

Defendants.

-----X
JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiffs in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affirm ant and not by the plaintiff is that the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York
August 29, 2019



JORDAN K. MERSON

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Year 2019

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

JOHN DOE,

Plaintiff,

- against -

DIOCESE OF BROOKLYN and ST. KEVIN'S CHURCH,

Defendants.

SUMMONS AND VERIFIED COMPLAINT

Merson Law, PLLC.

Attorneys for Plaintiff(s)

Office and Post Office Address, Telephone

150 East 58th Street 34th Fl.

New York, New York 10155

(212) 603-9100

To: All Parties
